

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2005-4 MAY 11:39

U.S. DISTRICT COURT
DISTRICT OF MASS

MARIA ALVES
Plaintiff,

v.

CIVIL ACTION NO. 05CV10352 RCL


PAUL F. WALSH, JR.,
DISTRICT ATTORNEY AND
THE CITY OF FALL RIVER
Defendants,

AFFIDAVIT IN SUPPORT OF OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS

The following attached documents are true copies of pleadings filed in the Bristol County Superior Court criminal action, Commonwealth v. Jason Alves, Indictment No.: BRCR2002-0321:

1. Motion to Intervene
2. Motion to Vacate Forfeiture Order.

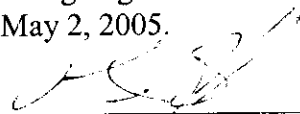
Signed under the penalty of perjury this 2 day of May, 2005.



Brian J. Sullivan, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorneys of record for the parties by mail on May 2, 2005.



Brian J. Sullivan

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
INDICTMENT NO.: BRCR2002-0321

COMMONWEALTH

DEC 3 2003

v.

JASON ALVES

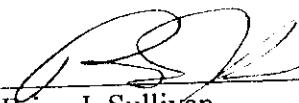
MOTION TO VACATE FORFEITURE ORDER

Now comes Maria Alves and moves to vacate the order of forfeiture of June 5, 2003 and any subsequent or amended order of forfeiture, to the extent such orders may dispose of moneys on deposit in the Bristol County Savings Bank passbook account and certificate of deposit. Maria Alves alleges that the moneys in the passbook account and the certificate of deposit are her property and that the moneys have no connection to any narcotics dealing by Jason Alves. Maria Alves incorporates the affidavit attached hereto.

Maria Alves further states that she has never been party to any forfeiture proceeding involving these moneys and that she has had no notice of the forfeiture proceedings that have been prosecuted against Jason Alves.

Wherefore, Maria Alves requests that all prior orders affecting her claim to the moneys be vacated and that she be allowed to appear and defend against the Commonwealth's forfeiture claims.

Maria Alves
By her attorney,


Brian J. Sullivan
10 Purchase Street, Fifth Floor
Fall River, Massachusetts 02720
(508) 679-7998 BBO#484990

*Feb 23, 2004 'Hanged on trees' proceedings of Maria Alves
right to pursue a civil remedy*

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
INDICTMENT NO.: BRCR2002-0321

COMMONWEALTH

v.

JASON ALVES

DEC 3 2003

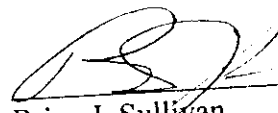
MOTION TO INTERVENE

Now comes Maria Alves and moves to intervene as an interested party in the forfeiture proceedings against Jason Alves.

As reason therefore, Maria Alves asserts that she is the owner of the moneys on deposit in the Bristol County Savings Bank passbook account and certificate of deposit and that these moneys were neither the proceeds from a narcotic transaction nor used to facilitate a violation of G.L., C. 94C. Maria Alves incorporates the affidavit attached hereto.

Wherefore, Maria Alves requests that she be allowed to intervene in the forfeiture proceedings and that she be allowed to defend against the Commonwealths claim of forfeiture against the moneys on deposit in the Bristol County Savings Bank.

Maria Alves
By her attorney,


Brian J. Sullivan
10 Purchase Street, Fifth Floor
Fall River, Massachusetts 02720
(508) 679-7998 BBO#484990

Feb 23, 2004 See order re Docket entry #118